



# United States Department of the Interior

## BUREAU OF LAND MANAGEMENT

Salt Lake Field Office  
2370 South 2300 West  
Salt Lake City, Utah 84119  
ph: (801) 977-4300; Fax: (801) 977-4397

*unpermitted  
Gen Corres*



In Reply Refer To:  
(U-023)  
UTU-77784

RECEIVED

FEB 01 2007 JAN 31 2007

Certified Mail #7005 1820 0000 9583 2408  
Return Receipt Requested

DIV. OF OIL, GAS & MINING

### DECISION

Mr. Steven Jensen  
1190 West 9700 South Chavez Drive  
South Jordan, Utah 84065

Notice Expired 43 CFR 3809.300(d)

Dear Mr. Jensen:

We have not received a request from you in writing to extend your Notice UTU-77784 for your exploratory activities in Section 33, T. 9 S., R. 12 W. The current 3809 regulations state that a Notice remains in effect for 2 years and must be extended prior to the expiration date in order to remain in effect (43 CFR 3809.332). Your Notice expired on January 22, 2007 in accordance with 43 CFR 3809.333. All exploratory activities in the subject claim area must cease immediately. The only activities that are currently permitted are those activities related to reclamation of the surface disturbance associated with your exploratory operations. Within 30 days of receipt of this decision, a reclamation plan and schedule for final reclamation of the surface disturbance associated with your expired Notice must be submitted to this office. The reclamation plan and schedule for reclamation must be accepted by the Salt Lake Field Office prior to commencing any reclamation work on the ground.

If you wish to conduct mining activities on the subject mining claim, you must submit a new Plan of Operations (Plan) within 30 days of receipt of this decision. The information that must be included in the Plan is described at 43 CFR 3809.401. If you wish to limit your operation to the type of exploratory activities that have previously occurred at the site, a new Notice must be filed within 30 days of receipt of this decision. The information required for submission of a complete Notice is found at 43 CFR 3809.301. The Plan must be approved, or the Notice accepted, and a financial guarantee accepted prior to any additional earth disturbing activities at this site. A copy of Bureau of Land Management's (BLM) current surface management regulations at 43 CFR 3809 have been enclosed for your use.

If you fail to submit a reclamation plan and schedule, or a Plan or Notice for the outstanding surface disturbance at this site, you will be in noncompliance. A noncompliance order will be issued and appropriate enforcement actions taken.

If you do not agree and are adversely affected by this decision, in accordance with 43 CFR 3809.804, you may have the Utah BLM State Director review this decision. If you request a State Director review, the request must be received in the Utah BLM State Office, P.O. Box 45155, Salt Lake City, Utah 84145-0155, no later than 30 calendar days after you receive this decision. A copy of the request must also be sent to this office. The request must be in accordance with the provisions provided in 43 CFR 3809.805. If a State Director review is requested, this decision will remain in effect while the State Director review is pending, unless a stay is granted by the State Director. Standards for obtaining a stay are given below. If you request a stay, you have the burden of proof to demonstrate that a stay should be granted.

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If the Utah State Director does not make a decision on whether to accept your request for review of this decision within 21 days of receipt of the request, you should consider the request declined and you may appeal this decision to the Interior Board of Land Appeals (IBLA). You then have 30 days in which to file your notice of appeal with the IBLA (see procedures below).

If you wish to bypass the State Director review, this decision may be appealed directly to the Interior Board of Land Appeals, Office of the Secretary, in accordance with the regulations contained in 43 CFR, Part 4 and the enclosed Form 1842-1. If an appeal is taken, your notice of appeal must be filed in the Salt Lake Field Office within 30 days of receipt of this decision. The appellant has the burden of showing that the decision appealed from is in error.

If you wish to file a petition pursuant to regulations 43 CFR 4.21 for a stay of the effectiveness of this decision during the time that your appeal is being reviewed by the Board, the petition for a stay must accompany your notice of appeal. A petition for a stay is required to show sufficient justification based on the standards listed below. Copies of this notice of appeal and petition for a stay must also be submitted to each party named in the decision and to the Interior Board of Land Appeals and to the appropriate Office of the Solicitor (see 43 CFR 4.413) at the same time the original documents are filed with this office. If you request a stay, you have the burden of proof to demonstrate that a stay should be granted.

Standards for Obtaining a Stay

Except as otherwise provided by law or other pertinent regulation, a petition for a stay of a decision pending appeal shall show sufficient justification based on the following standards:

1. The relative harm to the parties if the stay is granted or denied,
2. The likelihood of the appellant's success on the merits,
3. The likelihood of immediate and irreparable harm if the stay is not granted, and
4. Whether the public interest favors granting the stay.

*Michael S. Helmer*  
For David H. Murphy  
Assistant Field Manager,  
Non-Renewable Resources

Enclosures

cc: Susan M. White  
Utah Division of Oil, Gas and Mining